



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE MINUTES

THURSDAY, MARCH 29, 2007

**LOCATION: CAUCUS ROOMS
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032**

**TIME: 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

Representing the Committee

Rick Ripma, Chairperson
Jay Dorman
Carol Schlieff
Sally Shapiro
Brian Mayo

Representing the Department

Angie Conn

Of Counsel:

John Molitor

Rick Ripma, Chairman called the meeting to order at 6:00 p.m.

Mr. Ripma reviewed the Docket Items for the meeting.

The Subdivision Committee will meet to consider the following items:

- 1. Docket No. 06010005 Z: Shelborne Property PUD – *CONT. TO MAY 1***
The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences.
The site is located on the west side of Shelborne Road, north of 121st Street.
Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.
- 2. Docket No. 06050020 PP: Clay Creek – *CONT. TO MAY 1***
The applicant seeks to plat 30 lots on 29.971 acres.
The site is located on Hoover Road north of 116th Street and is zoned S1.

The applicant seeks the following waivers for the proposed plat:

06050022 SW: SCO Chapter 6.05.07 Orientation of Home – request to allow dwellings to face internal street

06050023 SW: SCO Chapter 7.05.07 Clearing of greater than 15% of mature woodlands.

Filed by Charlie Frankenberger for MHE Development Co. LLC.

3. Docket No. 07010008 Z: 116th & Guilford Rezone – *CONT. TO MAY 1*

The applicant seeks to rezone approximately 9.5 acres from I-1/Industrial to the R-1/Residence District Zoning Classification.

The site is located at 1441 S. Guilford.

Filed by the Carmel Dept. of Community Services.

4. Docket No. 07020014 Z: Westmont PUD.

The applicant seeks to create to rezone property from S1 Residential to PUD for the purpose of creating a single family detached residential subdivision.

The site is located at 2000 West 136th Street and is zoned S1.

Filed by Charlie Frankenberger of Nelson and Frankenberger for Platinum Properties LLC and Pittman Partners Inc.

The only item on the agenda for tonight is Docket No. 07020014.

Charlie Frankenberger of Nelson and Frankenberger spoke on behalf of the petitioner Steve Pittman, of Pittman Partners. Also present for Pittman Partners and Platinum Properties LLC were Neal Smith and Nick Churchill.

Charlie Frankenberger: When this matter was presented to the Plan Commission on March 20 for a zoning change for an upscale, low-density residential neighborhood it was approximately 135 acres located in western clay township to be known as Westmont. As presented to the Plan Commission the real estate is composed of two parcels one a 20-acre rectangle and an additional 115 acres. The owners of this 20-acre parcel and Pittman Partners decided not to continue with the development. The request has now been revised to pertain to only the 115 acres. Mr. Frankenberger indicated on a visual the proposed development and the other adjoining subdivisions and their density.

As presented to the Plan Commission, Westmont will be an upscale, low-density project. As required by the PUD there can be no more than 143 lots equaling 1.23 acre. Exhibits can be found in Committee brochures. There are architectural standards written for the Westmont subdivision. Home lots will be 80 ft., 100 ft. and 120 ft.

It is anticipated that homes with 80 ft. lots will sell for \$650,000, homes with 100 ft. lots will sell for \$800,00 and homes with 120 ft. lots will sell from \$800,000 - \$1.5 million.

Charlie Frankenberger: indicated that since Westmont is a PUD, the provisions of the Residential Open Space Ordinance (ROSO) do not apply. However, this proposal exceeds all ROSO standards, both in terms of tree preservation and in open space. Regarding open space,

ROSO requires 15%; Westmont's is 33% more than twice required. Tree preservation, the woodlands at Westmont have been certified by a certified arborist as young woodlands under ROSO we are allowed to clear 30%, under the current proposal we are clearing 11%. This will mean that 89% percent of woodland will be preserved. A visual was reviewed for the location of tree preservation. It is anticipated that builders and homeowners will want to preserve woodland on individual lots, so that the total tree preservation will most likely be higher than 89%.

Westmont is now zoned S1, as most of the Committee is aware Carmel recently revised the S1 classification to reduce all S1 classifications to 1 unit per acre. Mr. Frankenberger indicated that City Counsel member; Mark Ratterman had promoted this restriction in an attempt to give the Plan Commission and City Counsel more control over the density of new subdivisions.

In comparison to other developments in the area, Westmont has more green space, a higher price point, and more architectural standards.

Angie Conn, DOCS – the Department recommends that the petitioner review the department report and that this proposal be continued until May 1.

Charlie Frankenberger - reviewed items 3, 4, 5. Item 3 refers to labeling exhibits accordingly and place exhibits behind the correct tabs. Charlie explained it was arranged for easier presentation – this will be corrected before the final presentation.

Discussing items 4 and 5 Mr. Frankenberger indicated that the petitioner had eliminated tree conservation from the PUD and the only provisions are for tree preservation. So the provisions that allow developers to remove trees at their discretion are gone. Mr. Frankenberger reviewed on the visual the areas that trees are preserved, ones within the red-dotted line are preserved and ones that are not lay outside the red-dotted line. It is anticipated that potential developers will be encouraged to keep as many trees as possible knowing that this makes a lot more inviting to potential home buyers.

Discussion was held regarding the location of the ordinance regarding ROSO. ROSO has been repealed. Some of its content is in Chapter 7. This was confirmed by staff.

Steve Pittman: Pittman Partners has thought about this a lot. One of the things that we do as a company is to look at the natural features and the best way to develop an addition. The conservation area was confusing to people, so we decided to remove that option.

We have met with well over 100 people, we had a group meeting at our facilities, we had a number of people come to our offices and meet with us privately, and a number of phone conversations. The one person who indicated at the Plan Commission he was not notified of this project has now been brought up to speed and is in favor of the project.

We have Pulte subdivisions on three sides of the development. The meetings with neighbors went really well. The reason for this is we are lower density, more expensive and we have

architectural requirements that no one else has, so everyone feels very comfortable. We feel we have done a terrific job of meeting with the neighbors and dealing with their issues.

Carol Schleif: asked if Pittman Partners were going to be the builders in the development:

Steve Pittman indicated that they were not. He went on to explain that they have tried to model this development on Prairie View, which was done by George Sweet; he did 80,90 and 100 ft lots. Pittman Partners will be doing 80,100 and 120 ft. lots because we feel there is a demand. If you study the marketplace and permit activity, that higher end of 120 ft. custom lots are still moving through a down market.

Discussion ensued regarding a dedicated legal drain. Pittman Partners or the City of Carmel does not control this area. At this time it is not known what the Hamilton County Surveyor's or the Engineering Department will require. All that Pittman Partners is concerned with is the ability to cut trees, if there is a dead tree, we don't want it to fall on someone's head.

Steve Pittman: regarding item #2 on the original plan we had two stub streets coming to the west and engineering and the planning staff had an issue with that because apparent that discussed with owner he did not want any crossing of his property – on new plan we have a circular movement cars and emergency vehicles.

Steve Pittman: reviewed Item #1 using a visual of what was presented to the Plan Commission. Indicated on the plan was a street area that had the possibility of becoming a "cut through." We have changed the plan to eliminate that movement as a straight thruway. We have created more open space, although staff would like more interconnecting space, we do not feel that this is possible. This neighborhood is going to be a throw back to the older traditional custom home developments. To allow this to happen, the current street map must remain.

Steve Pittman - Regarding Item #6 a plan has been submitted to Scott Brewer on the tree preservation, conversationally he has approved this plan, but we do not have anything in writing. We will continue to work with Engineering, to resolve any issues.

Jay Dorman asked for status of improvement of 136th street from Ditch to Towne Rd. Discussion was held while viewing the visual. Angie Conn will contact Engineering to get an update on these plans.

Lisa Stewart, DOCS: I am inserting the response to Angie Conn from Engineering regarding this issue. *The City's planned (funded) improvements to 136th Street only extend out to Ditch Rd. at this time. No widening improvements have yet been funded for the section of 136th between Ditch and Towne; therefore, the timeframe for widening of this segment is somewhat unclear. My guess is that it will be improved in the 5-7 year timeframe with a cross section that will be very similar to what you see on Ditch Rd. between 136th & 146th (the 2-lane Blvd. section). However, when this question is asked and we don't have a design, my default answer is "Take a look at the Thoroughfare Plan". (The thoroughfare plan shows a maximum of 4 lanes, with curbs, a 10-ft pedestrian path, street trees and buffer plantings.*

Jay Dorman also discussed possible concerns that a particular property owner who backs up to the development may have regarding a possibility of pools, irregular types of fencing i.e. a steel fence a one home and a wood fence that could be viewed as unattractive. This area would either need some buffering or some consistency in your covenants regarding fencing, etc.

Steve Pittman – in our meeting with them we presented a landscape plan. They indicated they were happy with our plans. Pittman Partners has strongly suggested that the homeowners review the plans and if need be we have offered to put in larger plantings, etc. Further discussion regarding landscaping the entryway was held. Due to the price point of these homes, great detail will go into planning the entryway and Steve expects this entryway to make a statement.

Carol Schleif – Is this going to be a gated community?

Steve Pittman - no this will not be a gated community. Pittman Partners would be open the possibility of a gated community, however the City of Carmel is not in favor of this.

Jay Dorman – will there be a trail system?

Steve Pittman – Yes there will be a trail system constructed. These will be built on former bridle paths that already exist.

A lengthy discussion was held regarding the definition of custom homes and custom homebuilders. The Committee requested that “custom” be clearly defined. Publicly traded companies would not, in Committee opinion fall into the custom builder category. Several companies and builders were discussed. The Committee was quite clear that production builders would not be appropriate for this area. The petitioners outlined some of the builders they were expecting to build within Westmont. Most of these builders build less than 100 homes per year. Sameness of home design was also discussed. The Committee asked for some assurances that all the homes would not be alike. Steve Pittman indicated that they will have a very stringent review process, and that with the architectural guidelines that will be in place, he is confident that this will not be an issue. One suggestion was to have a “builder guild” of 10-12 builders. By making that commitment we will not let any other builders in, but we will sell to the general public with the stipulation that they must choose one of the guild builders. This would give the public a choice of whom to build with. Another stipulation being considered is that a home must be built within 18 months of purchase of the lot.

A final determination was made that it would be possible for one builder to build all 80 ft. lots, although the builder would still have to build less than 100 homes per year. All other lots will be built by multiple custom homebuilders, but will be restricted to a certain number of lots and who also build less than 100 homes per year.

Jay Dorman asked how many lots are available for each ft. length

Steve Pittman: There are 35 lots at 80 ft., 18 lots at 100 ft., and 70 lots at 120 ft.

Carol Schleif: asked about the status of the front load garages.

Steve Pittman - indicated that due to Carol's previous statements, the front load garages have been taken out of the 80 ft. lots. However, if home buyers and architects in the higher end lots wish to have a front loading garage, this will be reviewed for approval.

Further garage discussion was held. It was determined that on the 80 Ft. lots no front-loading garages will be allowed. However, it was felt that when homeowners were building \$800,00-\$1,500,000 homes that it could not be dictated that they could not have the front load garage if they wanted. It will be required that a front loading garage be located 10 ft. back from the primary façade

Sally Shapiro - discussed the possibility of an amenity building. An area where the community can come together, either a fire pit, gazebo, or any place so that the neighborhood can get to know each other – although the developer may not make money on this feature it does add to the lifestyle and the quality and visual aspects of the community.

Carol Schleif - observed that on the plans an amenity area was outlined.

Charlie Frankenger - indicated that in this type of neighborhood, the homeowners if they want, can install their own pool, etc., or belong to a club and typically do not use a neighborhood amenity. That showing this on the plans was an error.

Discussion continued on possibilities of amenities in green spaces and the possibility of reducing the number of saleable lots, many pros and cons –

Carol Schleif asked if the ponds could have a bit more curve to them.

Steve Pittman, they are still reviewing pond layout and, at it is not their plan to have all ponds a rectangle or square.

Carol Schleif had some questions regarding landscaping plan. I asked that additional landscaping be increased above what they have listed for each lot. We suggested that they could do it by holding funds in escrow at the time of sale to the individual owner.

Steve Pittman - indicated that they will be requiring landscape plans up front, may look at a landscape bond.

Charlie Frankenger indicated that it is anticipated that people purchasing a home in this price range will landscape appropriately. There are requirement and it is expected that these will

be adhered to.

Concerns regarding minimum side yard setbacks were discussed. Setbacks could be as small as 3ft. Ideas were discussed with a final resolution that the side yards were to have an aggregate of 10 ft. with a minimum of 5 ft. and this would make a 10 ft. space between homes.

Carol Schlieff prompted a discussion regarding possible future drainage issues. Discussion ensued. Final decision was that it comes down to the tenacity of project manager to get the job done properly. Steve indicated that the reputation of the developer is on the line for these issues and this will help to ensure that there will be no problems. Carol indicated that by the time these issues emerge, Steve will be long gone. Most architects recommend 20 feet building separation.

Rick Ripma - we are going to continue this to the May 1st meeting, but one of things being requested is a change in the allowed density. It was understood by some Committee members that the Committee should hear some type of hardship to the developer in order to change this requirement. The density as stated in the ordinance should be one home per 1.0 acre. The developer is seeking one home per 1.23 acre. At this time the Committee has not heard any hardship or any reason to change from 1.0 to 1.23.

Steve Pittman - explained how Pittman Partners views this issue. He began by outlining areas they look at, when looking at a piece of property and start laying out and decide what is the best use in the market place. We look at the physical attributes of the property, how we are going to lay it out and second we look contextually how it fits in with what is around it and how the marketplace responds to that. So we looked at what has been developed around here and what is the density, Steve indicated on a visual other developments with much higher density. How does Westmont fit in? We do understand that this is a low-density area. So what can we bring to the table that the other developers do not bring, and that is architectural requirements and design guidelines, which no one else has? When Carmel initially changed their S1 guidelines it was because the city was concerned regarding "production creep," again, Steve showed on visual – Saddle Creek. It is his understanding that the City Counsel indicated if developers could do a better job of development that the 1.0 per acre was negotiable. It may be recorded that the Counsel did not expect all development to adhere to the 1.0 upa, but rather if developers bring us good plans that we like with design and architecture not currently required we are going to look at density differently than being 1.0. I personally have a track record of saying of what is the highest and best use of the property here is what we are bringing to the table, we think the neighbors like what we are bringing it is not hurting anyone's value and that is how we approach.

Westmont has lower density, higher price point, better architecture, twice open space. Again, we were under the impression that the 1.0 upa was not written in stone, but rather was to give the Plan Commission control and what is quid pro quo

Lisa Stewart, DOCS -I have inserted the response Angie Conn received from John Molitor, Plan Commission attorney regarding hardship.

At the last committee meeting, Rick asked to clarify if a hardship or practical difficulty had to be proven in order for a Rezone to be granted. In speaking with the Plan Commission attorney, a rezone is a legislative act and is discretionary. The 5 criteria a rezone must meet, per state statute, are very nebulous.

A Variance or use variance, heard by the BZA, is the only petition where a developer has to prove a hardship or practical difficulty. A rezone can, however, be approved with conditions or commitments.

Rick Ripma – this item will be continued to the next meeting May 1st

Jay Dorman motioned to adjourn the meeting,
Carol Schlieff seconded the motion.

Meeting adjourned at 8:10 p.m.

Respectfully submitted:

Approved:

Lisa M. Stewart

Rick Ripma, Chairman